

# Notice of Allowability

Application No.

09/815,824

Examiner

Joseph R. Maniwang

Applicant(s)

KARPOFF, WAYNE T.

Art Unit

2144

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/07/07.
2. ☒ The allowed claim(s) is/are 25-34,36 and 38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

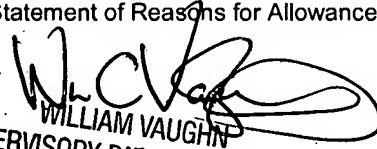
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 25-34, 36, and 38 are allowed.

The following is an examiner's statement of reasons for allowance:

The closest prior art is Wolf et al. (U.S. Pat. No. 6,463,508), hereinafter referred to as Wolf. Wolf disclosed a method and system comprising receiving, by a server, a request from a first client device over the data communication network, the request identifying streaming data content stored on a storage system (see column 4, lines 27-30); transmitting a data request message from the server to a first controller device associated with the storage system, the data request message identifying the first client device and the data content requested by the first client device (see column 31-35); retrieving a first block of the data content from the storage system by the first controller device (see column 4, lines 58-61); sending a second data request message from the first controller device to a second controller device associated with the storage system, the second data request message identifying the first client device and a second block of the data content (see column 5, lines 1-3); retrieving the second block of the data content from the storage system by the second controller device (see column 5, lines 1-3); transferring the first block of data to the first client device from the first controller device (see column 5, lines 15-17); sending a synchronization message from the first controller device to the second controller device (see column 5, lines 15-17); and in response to the synchronization message, transferring the second block of data to the

first client device from the second controller device over a communication path that does not include the first controller device (see column 5, lines 21-24).

The prior art references of record do not teach alone or in combination all the limitations together within the independent claim 30. For example, the independent claim contains the limitation of wherein the first and second controller devices transfer the first and second data blocks over the data communication network at a faster rate than the rate at which the first and second data blocks are retrieved from the storage system. Therefore, the independent claim 30 has allowable subject matter and is allowable over the prior art of record. The dependent claims of this claim are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Examiner acknowledges the amendment to independent claim 30 to incorporate subject matter from cancelled dependent claim 35 (previously objected to for containing allowable subject matter) and the cancellation of claims 39-47 in order to place the application in condition for allowance.

### ***Conclusion***

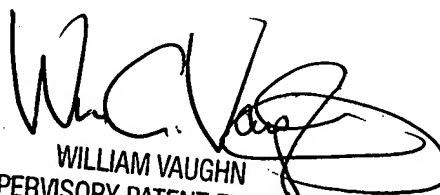
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

  
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